

Appn. No. 10/000,156
Docket No. 14XZ00133/QEM-0205

REMARKS / ARGUMENTS

Status of Claims

Claims 1-72 are pending in the application. Claims 1-11 and 31-46 and 68-72 stand rejected. Applicant appreciates the Examiner's comments regarding the allowability of the noted claims. Applicant provides herein clarifying remarks, leaving Claims 1-72 for consideration upon entry of the present Amendment.

Applicant respectfully submits that the rejections under 35 U.S.C. §102(e) and 35 U.S.C. §103(a) have been traversed, that no new matter has been entered, and that the application is in condition for allowance.

Rejections Under 35 U.S.C. §102(e)

Claims 1-6, 9-11, 36-41 and 44-46 stand rejected under 35 U.S.C. §102(e) as being anticipated by Cho (U.S. Patent No. 6,795,118, hereinafter Cho).

Applicant traverses this rejection for the following reasons.

Applicant respectfully submits that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, *in a single prior art reference.*" *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the *** claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Furthermore, the single source must disclose all of the claimed elements "arranged as in the claim." *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

Claims 1 and 36 recite, inter alia,

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"...defining *a sliding window* having the format of the area determined, *the sliding window configured to occupy a number of image sensor lines* less than the total number of image sensor lines..." (Claim 1), and

"...means for providing *a sliding window* having the format of the given area, *the sliding window configured to occupy a number of image sensor lines* less than the total number of image sensor lines..." (Claim 36).

In alleging anticipation of the above-noted limitations, the Examiner references Cho at Column 2, line 22 and line 63, and at Column 3, lines 44-53. The Examiner comments that "the window in Cho is a pixel array window" and that "each column (of Cho) reads out sequentially as sliding." The Examiner also notes that "each column is to contain multiple sensor lines, and each window is therefore to contain multiple sensor lines as well..." Paper 20050816, pages 3-4.

Applicant thanks the Examiner for the further review of the specification and consideration of Applicant's arguments. However, Applicant remains in respectful disagreement with the Examiner's allegation that Cho discloses *each and every element of the claimed invention arranged as claimed*.

More specifically, Applicant submits that the claimed invention includes the limitation of *a sliding window*, and that Cho is absent such disclosure.

At Column 2, line 22, as referenced by the Examiner, Applicant finds Cho to disclose "A pixel array (that) may contain one or more windows."

At Column 2, line 63, as referenced by the Examiner, Applicant finds Cho to disclose "...a pixel array or pixel window..."

At Column 3, lines 44-53, as referenced by the Examiner, Applicant finds Cho to disclose "The image array 302 may be read out *a row at a time* using column-parallel readout architecture. The controller 304 selects *a particular row* of pixels in the array 302 by controlling the operation of vertical addressing circuit 306 and row drivers 308. Charge signals stored in *the selected row* of pixels are provided to a readout circuit 310. The pixels read from *each of the columns* can be read out *sequentially* using horizontal addressing

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circuit 312. The output of the readout circuit 310 is directed to the sensor testing subsystem 100 for on-chip testing of the pixels array 302." Emphasis added.

By referencing Cho as indicated, it appears that the Examiner is first equating the Cho pixel array to the claimed window, and then equating the phrase "read out sequentially" to the claim term "sliding window".

Applicant respectfully disagrees with the outcome of the Examiner's reasoning.

By applying the ordinary mean of the term "sequentially", Applicant submits that the Cho pixels are read out consecutively, or one after the other, which not only is substantially different from the claimed invention of a sliding window, but also falls wholly short of anticipating the claimed invention in such a manner as to disclose each and every element of the claimed invention arranged as claimed.

At Paragraph [0103] and Figure 7, Applicant defines, describes and illustrates the meaning of the term "sliding window", and explains the use of the sliding window in context to the claimed invention. Here, Applicant describes the sliding window to have a position W_n (see solid lines of window in Figure 7) in the course of calculation, and to have a preceding position W_{n-1} (see dotted lines in Figure 7). In Figure 7, Applicant illustrates the sliding window as occupying a number of image sensor lines such that, as the window slides, it does so one line at a time, *thereby occupying all but one of the image sensor lines from position W_{n-1} to position W_n* . Here, Applicant uses the term "sliding window" to mean exactly what it states, that is, a window that occupies a number of image sensor lines and that slides relative to those number of lines, where each slide from one position W_{n-1} to another position W_n occupies some of the lines from the preceding position.

In respectful disagreement with the Examiner, Applicant finds Cho to be completely absent any disclosure whatsoever of a sliding window, and respectfully disagrees that a sequential operation is the same as a sliding window operation.

Cho specifically calls for read outs to be performed "...a row at a time using column-parallel readout architecture", and that the "pixels read from *each of the columns* can be read out *sequentially* (consecutively, one after the other) using horizontal addressing circuit". Nowhere does Applicant find Cho to indicate that "a row at a time read out" or

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"one after the other read out" is the same as a "sliding window", which is specifically claimed for in the instant invention.

Accordingly, Applicant submits that Cho is absent anticipatory disclosure of each and every element of the claimed invention arranged as claimed, and absent anticipatory disclosure in Cho of *each and every element arranged as claimed*, Cho cannot be anticipatory.

Dependent claims inherit all of the limitations of the respective parent claim.

In view of the foregoing remarks, Applicant submits that Cho does not disclose each and every element of the claimed invention arranged as claimed, including their claimed attributes, and therefore cannot be anticipatory. Accordingly, Applicant respectfully submits that the Examiner's rejection under 35 U.S.C. §102(e) has been traversed, and requests that the Examiner reconsider and withdraw of this rejection.

Rejections Under 35 U.S.C. §103(a)

Claims 7-8, 35, 42-43 and 72 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cho.

Claims 31-34 and 68-71 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cho as applied to Claim 1, and further in view of Lawrence (U.S. Patent No. 6,219,443, hereinafter Lawrence).

Applicant traverses these rejections for the following reasons.

Applicant respectfully submits that the obviousness rejection based on the References is improper as the References fail to teach or suggest each and every element of the instant invention. For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a *prima facie* case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). The Examiner must meet the burden of establishing that all elements of the invention are taught or suggested in the prior art. MPEP §2143.03.

In view of the discussion set forth above delineating the deficiencies of Cho, Applicant submits that absent disclosure of each and every element in such a manner as to

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perform as the claimed invention performs, Cho cannot be used to establish a prima facie case of obviousness.

Applicant further submits that Lawrence fails to cure the deficiencies of Cho.

In view of the foregoing, Applicant submits that the References fail to teach or suggest each and every element of the claimed invention and are therefore wholly inadequate in their teaching of the claimed invention as a whole, fail to motivate one skilled in the art to do what the patent Applicant has done, fail to offer any reasonable expectation of success in combining the References to perform as the claimed invention performs, and disclose a substantially different invention from the claimed invention, and therefore cannot properly be used to establish a prima facie case of obviousness. Accordingly, Applicant respectfully requests reconsideration and withdrawal of all rejections under 35 U.S.C. §103(a), which Applicant considers to be traversed.

In light of the forgoing, Applicant respectfully submits that the proposed arguments comply with 37 C.F.R. §1.116 and should therefore be entered, and with their entry that the Examiner's rejections under 35 U.S.C. §102(e) and 35 U.S.C. §103(a) have been traversed, and that the application is now in condition for allowance. Such action is therefore respectfully requested.

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The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 50-2513.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-identified Deposit Account.

Respectfully submitted,

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